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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/082,386	02/25/2002	Daniel N. Duncan	066416.0126	5849
7590	06/18/2004			EXAMINER BUI, BING Q
Robert W. Holland HAMILTON & TERRILE LLP P.O. Box 203518 Austin, TX 78720			ART UNIT 2642	PAPER NUMBER 6

DATE MAILED: 06/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/082,386	DUNCAN ET AL.
Examiner	Art Unit	
Bing Q Bui	2642	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 25 February 2002.

2a)  This action is FINAL.                            2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-49 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5)  Claim(s) 21-49 is/are allowed.

6)  Claim(s) 1-20 is/are rejected.

7)  Claim(s) \_\_\_\_\_ is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on 25 February 2002 is/are: a)  accepted or b)  objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)  Notice of References Cited (PTO-892) 4)  Interview Summary (PTO-413)  
2)  Notice of Draftsperson's Patent Drawing Review (PTO-948) Paper No(s)/Mail Date. \_\_\_\_ .  
3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 4. 5)  Notice of Informal Patent Application (PTO-152)  
6)  Other: \_\_\_\_ .

## DETAILED ACTION

1. Claims 1 – 49 are pending in the application for examination.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1 – 2, 4 – 7 and 12 - 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Gisby et al (US Pat No. 6,044,146), herein after referred as Gisby.

Regarding claim 1, Gisby teaches a method for ordering inbound inquiries, the method comprising:

receiving plural inbound inquiries, each inbound inquiry having associated inquiry information (see col. 2, Ins 59 - 65).

applying one or more models to the inquiry information to determine a priority value for each inquiry (see col. 2, Ins 59 – 65) and

forcing inbound inquiries having a priority value of less than a predetermined amount into self service (see col. 6, Ins 7 – 17 and Ins 60 – 62).

Regarding claim 2, Gisby teaches the method of claim 1 wherein the self service comprises an automated response interaction (see col. 6, Ins 7 – 17 and Ins 60 – 62).

Regarding claim 4, Gisby teaches the method of Claim 1 wherein the self service comprises instant message communications (see col. 2, Ins 46 – 50 and col. 8, Ins 50 – 67).

Regarding claim 5, Gisby teaches the method of Claim 1 wherein the self service comprises e-mail communications (see col. 2, Ins 46 – 50 and col. 8, Ins 50 – 67).

Regarding claim 6, Gisby teaches the method of Claim 1 wherein the self service comprises instructions to visit an Internet site (see col. 2, Ins 46 – 50 and col. 8, Ins 50 – 67).

Regarding claim 7, Gisby teaches the method of Claim 1 wherein the inbound inquiries comprise inbound telephone calls having associated caller information (see col. 2, Ins 57 – 65).

Regarding claim 12, Gisby teaches the method of Claim 1 wherein the inbound inquiries comprise e-mail (see col. 2, Ins 46 – 50 and col. 8, Ins 50 – 67).

Regarding claim 13, Gisby teaches the method of Claim 1 wherein the inbound inquiries comprise instant message (see col. 2, Ins 46 – 50 and col. 8, Ins 50 – 67).

Regarding claim 14, Gisby teaches the method of Claim 1 wherein the inbound inquiries comprise collaborative browsing (see col. 2, Ins 46 – 50 and col. 8, Ins 50 – 67).

Regarding claim 15, Gisby teaches the method of Claim 1 wherein the priority

value comprises a probability that the inbound inquiry will result in a purchase (see col. 6, Ins 7 – 17).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gisby '146 as applied to claim 1 above, and further in view of Voit (US Pat No. 5,696,809).

Regarding claim 3, Gisby fails to teach the method of self service comprises instructions to the inquirer to try the inquiry at another time. However, Voit teaches

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the method of interacting with a caller and advising the caller to call back at a later time when the call can not be completed. Therefore, integrating Voit's teachings into call processing system of Gisby would have been obvious for avoiding the caller uncertainly waiting in a waiting queue.

6. Claims 8 – 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gisby '146.

Regarding claims 8 – 9, Gisby suggests that (see col. 2, Ins 57 – 65). Therefore, it would have been obvious to one of ordinary skill in art to recognize the information about the call or the caller forwarded with the call suggested by Gisby may include an automatic number identification information, destination number identification information.

Regarding claim 10, Gisby teaches the method of Claim 7 further comprising gathering the caller information with a voice response unit (see col. 5, In 60 – col. 6, In 6).

7. Claims 11 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gisby '146 as applied to claim 1 above, and further in view of Flockhart et al (US Pat No. 5,684,872), herein after referred as Flockhart.

Regarding claims 11 and 16, Gisby fails to teach one of the models predicts inquirer behavior and tolerance of an individual associated with the inbound inquiry. However, Flockhart teaches a call will be prioritized for treatment is based on the

predicted behavior or level of motivation of a caller associated with the call (see Abstract and col. 3, lns 50 – 62). Therefore, integrating Flockhart's teachings into call processing system of Gisby would have been obvious for appropriately prioritizing the call.

8. Claims 17 - 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gisby '146 as applied to claim 1 above, and further in view of Walker et al (US Pat No. 6,088,444) cited by Applicant, herein after referred as Walker.

Regarding claim 17 – 20, Gisby fails to teach the method of developing plural models from a history of inbound inquiries to forecast one or more outcomes that determine the priority value and to calculate the priority value. However, Walker teaches a system for determining an economic value (e.g., outcome) of the call based upon a total number of items to be ordered, a total dollar amount of the order and/or profitability of the order, and historical orders previously made by the customer caller (see col. 3, ln 64 – col. 4, ln 8). Therefore, integrating Walker's teachings into call processing system of Gisby would have been obvious for appropriately prioritizing the call.

#### ***Allowable Subject Matter***

9. Claims 21 – 49 are allowed.

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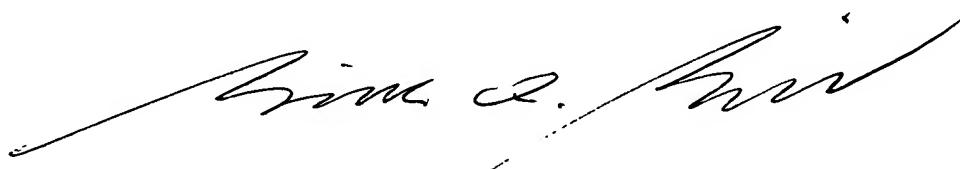
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bing Bui whose telephone number is (703) 308-5858. The examiner can normally be reached on Monday through Thursday from 7:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306 and for formal communications intended for entry (please label the response

EXPEDITED PROCEDURE ) or for informal or draft communications not intended for entry (please label the response "PROPOSED" or "DRAFT").

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

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BING Q. BUI  
Primary Examiner